

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARC LILLY, NOT IN HIS INDIVIDUAL  
CAPACITY BUT AS THE  
REPRESENTATIVE FOR THE FORMER  
SHAREHOLDERS OF VIDEOSOFT, INC.,

Plaintiff,

v.

CHANGE HEALTHCARE SOLUTIONS, LLC  
(f/k/a ENVOY, LLC); CHANGE  
HEALTHCARE HOLDINGS, INC. (f/k/a  
EMDON, INC.); CHANGE HEALTHCARE  
OPERATIONS, LLC (f/k/a EMDEON  
BUSINESS SERVICES, LLC)

Defendants and  
Counterclaim Plaintiffs,

v.

DAVID GRANT; MARC LILLY,  
INDIVIDUALLY AND AS THE  
REPRESENTATIVE FOR THE FORMER  
SHAREHOLDERS OF VIDEOSOFT, INC.;  
PETER HOOVER; AND JOHN EASTMAN,

Counterclaim Defendants.

Case No. 2:15-cv-00742 RSM

**PLAINTIFF'S NOTICE OF APPEAL  
AND REPRESENTATION  
STATEMENT**

**PLAINTIFF'S NOTICE OF APPEAL AND  
REPRESENTATION STATEMENT**  
2:15-cv-00742 RSM

**HOLMES WEDDLE & BARCOTT, A  
PROFESSIONAL CORPORATION**

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1. **NOTICE OF APPEAL**

2. Notice is hereby given that plaintiff Marc Lilly, not in his individual capacity but as the  
3. representative of the former shareholders of Vicosoft, Inc., appeals to the United States District  
4. Court of Appeals for the Ninth Circuit from the following:

5. (1) Order Denying Plaintiff's Motion for Relief From Judgment, entered in this action  
6. on February 23, 2017 (Doc. 105) (attached hereto as Exhibit A);

7. (2) Judgment In a Civil Case, granting Defendants' motion for summary judgment  
8. and dismissing Plaintiff's remaining claims, entered in this action on December 20, 2016 (Doc.  
9. 100) (attached hereto as Exhibit B);

10. (3) Order Granting Defendants' Motion for Summary Judgment, entered in this action  
11. on December 20, 2016 (Doc. 99) (attached hereto as Exhibit C);

12. (4) Order Granting In Part and Denying In Part Defendants' Motion to Dismiss,  
13. entered in this action on September 17, 2015 (Doc. 40) (attached hereto as Exhibit D); and

14. (5) Minute Order striking or otherwise terminating Plaintiff's motion for leave to file  
15. a first amended complaint, entered in this action on March 7, 2017 (Doc. 111) (attached hereto as  
16. Exhibit E).

17. This notice of appeal is timely: On December 20, 2016, the Court entered the appealable  
18. order granting summary judgment and judgment in a civil case (Doc. 99 and 100). Within 28  
19. days, on January 13, 2017 (24 days later), Plaintiff filed a Motion for Relief from Judgment  
20. (Doc. 101), requesting that the Court vacate its Order and Judgment pursuant to Fed. R. Civ.  
21. Proc. 59(e) and/or 60(b). Pursuant to Fed. R. App. Proc. 4(a)(4), the filing of that motion tolled  
22. the time to file a notice of appeal until entry of an order disposing of that motion. On February  
23. 23, 2017, the Court entered its Order Denying Plaintiff's Motion for Relief From Judgment (Doc.  
24. 105). The instant notice of appeal is being filed within 30 days of the entry of that order.

1. Dated: March 17, 2017.

2. HOLMES WEDDLE & BARCOTT, P.C.

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12. Brian M. Daucher, (CA Bar No. 174212)  
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22. *Attorneys for Plaintiff and Counter-Claim Defendants*

1.  
2. **REPRESENTATION STATEMENT**

3. Pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rule 3-2(b), the  
4. parties to the action and their respective counsel are as follows:

5. 1. Plaintiff Marc Lilly, not in his individual capacity but as the representative of the  
6. former shareholders of Vieosoft, Inc., is represented by:

7. Brian M. Daucher  
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25. 2. Defendants Change Healthcare solutions, LLC (f/k/a Envoy LLC); Change  
26. Healthcare Holdings, Inc. (f/k/a Emdeon Inc.); and Change Healthcare Operations, LLC (f/k/a  
Emdeon Business Services LLC) are represented by:

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17. Dated March 17, 2017.

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*Attorneys for Plaintiff and Counter-Claim Defendants*

1. CERTIFICATE OF SERVICE

2. I hereby certify that on the 17<sup>th</sup> day of March 2017,  
3. I electronically filed the forgoing with the  
4. Clerk of the Court using the CM/ECF System which  
5. will send notification of such filing to the following:

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22. Starla Trotter, Legal Assistant